

**BATTLE CREEK CITY PLANNING COMMISSION
MEETING MINUTES
Wednesday, June 24, 2009**

1. Call to Order:

Commissioner Preston Hicks called the meeting to order at 4:00 p.m.

2. Attendance:

Members Present:

Steve Barker	Preston Hicks	John Stetler
Mark Behnke(Mayor)	William Morris	
Jan Frantz	Ed Scheinfeldt	

Members Excused: Chris Simmons and Chip Spranger

Staff Present: Brad Misner, AICP, Planning Supervisor
Jill Steele, Assist. City Attorney
Glenn Perian, Senior Planner
Leona Parrish, Administrative Assistant

3. Additions or Deletions to the Agenda: Commissioner Preston Hicks has formerly accepted the role of Planning Commission Chair after having been nominated; motion made and approved unanimously by all Planning Commissioners present at the May 27, 2009 meeting.

4. Approval of Minutes: Meeting Minutes of May 27, 2009.

A MOTION WAS MADE BY COMMISSIONER BARKER, SUPPORTED BY COMMISSIONER FRANTZ TO APPROVE THE PLANNING COMMISSION MEETING MINUTES FOR MAY 27, 2009 AS PRESENTED. VOTE ON MOTION; ONE ABSTAINED (SCHEINFELDT); NONE OPPOSED MOTION APPROVED.

5. Correspondence: None

6. Public Hearing: None

7. Old Business:

- A. SPECIAL USE PERMIT (#S-01-09):** Petition from Rev. Peggy Baker, United Methodist Church, 8039 Allison Lane, Battle Creek, MI 49014, Requesting a Special Use Permit of the following described property for use as a Church as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(23), for property located at 5420 Beckley Rd., Battle Creek, MI 49015, Parcel #5515-00-035-0.

Mr. Brad Misner, Planning Supervisor stated this was a petition that was brought before the Planning Commission on May 27, 2009, at that time a public hearing was held. This petition went before the City Commission on June 16, 2009, at that time the City Commission voted and recommend that this petition be brought back to the Planning Commission for further review, due

to concerns regarding liquor license issues; Mr. Misner handed out a graphic photo to the Commissioners that outlined the surrounding area within the 500ft. that would be affected.

Mr. Misner stated at the Public Hearing the petitioner testified that the church would not object to any liquor license application and had provided a written document stating they have no objections to any other business obtaining a liquor license within 500 ft. of their proposed church location. With the assistance of the City Attorney's Office, upon further review of relevant case law; it was determined that there would appear to be no barrier to the Planning Commission imposing a condition of approval prohibiting the church from objecting to any proposed liquor license application within 500 feet. In the Planning Commissions Staff Report for today's meeting there are five(5) conditions of approval outlined. Noted condition #3 which states the Outland Church or its' representatives shall not object to liquor being bought or sold within 500ft. of their church location.

Mr. Misner stated that Reverend Peggy Baker had attended and received approval from both NPC # 9 and #11 regarding their petition for a Special Use Permit to allow the church at this location. Noted there have not been any objections from any citizens regarding this petition and is asking the Planning Commission to approve with the five (5) conditions and findings outlined in the staff report.

A MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY COMMISSIONER SCHEINFELDT TO RECONSIDER PETITION #S-01-09 SPECIAL USE PERMIT FOR USE AS A CHURCH FOR PROPERTY LOCATED AT 5420 BECKLEY ROAD.

Discussion:

Commissioner Morris stated at the last meeting he had concerns regarding the 500 ft. limit for liquor if approved; with the letter submitted by the petitioner waiving their right to object he now has no objections to allowing the church use at this location. States he now is in support.

Commissioner Barker stated he also had not been in support; noted with the additional information provided he is in support at this time based on paragraph (I) for a Basis For Determination. Stated it is now not restricting any other businesses and asked that the motion to approve should include the five(5) conditions outlined in the staff report; with regards to the Religious Land Use he would change his vote to yes.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED MOTION APPROVED.

A MOTION WAS MADE BY COMMISSIONER MORRIS, SUPPORTED BY MAYOR BEHNKE TO APPROVE THE APPLICATION FOR A SPECIAL USE PERMIT TO ALLOW A CHURCH USE FOR PROPERTY LOCATED AT 5420 BECKLEY ROAD; AND TO ADOPT THE FIVE CONDITIONS OF APPROVAL NOTED IN THE STAFF REPORT.

Discussion:

Commissioner Frantz asked a question regarding condition #3 in the staff report that states they shall not object to the issuance of a liquor license for any business within 500 feet of the proposed church location; Commissioner Frantz asked if this would follow with perpetuity at this location.

Mr. Misner stated if the church were to move from this location this Special Use Permit would be no longer allowed for this location.

Commissioner Scheinfeldt asked if the church were to flourish and out grow this space and another church wanted to be at this location would the Special Use Permit expire; Mr. Misner stated yes.

Commissioner Scheinfeldt stated with the requests from churches and compatibility of use; they need to weigh having the building used or remaining vacant. Stated he is inclined to be in favor of this petition.

VOTE ON MOTION: ALL IN FAVOR; NONE OPPOSED MOTION APPROVED.

8. **New Business:** None

9. **Comments by the Public:**

Reverend Peggy Baker, Outland Church; thanked the commission.

10. **Comments by the Staff and Commission Members:**

Commissioner Stetler noted the Zoning Board of Appeals asked the Planning Commission to review the Accessory Building Ordinance; asked if it would be put on an upcoming agenda for the Planning Commission.

Mr. Brad Misner stated yes.

Commissioner Hicks stated future meetings will run smoother.

Mayor Behnke welcomed Commissioner Scheinfeldt back to the Planning Commission. Suggested the Roberts Rules should be followed for the meeting and suggested the City Attorney's office prepare a short summary to share with the commission.

Commissioner Scheinfeldt thanked Mayor Behnke.

11. **Adjournment:**

The meeting adjourned at 4:23 P.M.

Respectfully Submitted,
Mr. Bradley J. Misner, AICP
Battle Creek City Planning Commission